IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 24855 of 2004**

Between:

Syed Jellani, S/o. Late Syed Meer,
R/o. 21-4-685, Gulab Singh Bowli, Petla Burj, Hyderabad.

**..... PETITIONER**

AND

The Station House Officer, Kalapattar P.S., Kalapattar, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of writ of Mandamus declaring the in action of the 1st respondent on my application dt. 13.12.2004 in granting police protection to the petitioner's property bearing No. 19-2-156/25/1 ad-measuring 305 sq. yards situated at Tadban, Bahadurpura, Hyderabad is null and void consequently direct the Ist respondent to give police protection to the petitioners property.

**Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY**

**Counsel for the Respondent: GP FOR HOME**

**The Court at the stage of admission made the following ORDER:**

Petitioner seeks a declaration that the inaction on the part of the respondent in according protection to his property though an order of temporary injunction was granted in O.S.No.7719 of 2003 on the file of the VIII Junior Civil Judge, City Civil Courts, Hyderabad is illegal and arbitrary and seeks necessary directions.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

It is not in dispute that the petitioner had obtained an order of temporary injunction. If the injunction is violated by the defendants in the suit, two courses, namely to file an application under Rule 2A of Order 39 C.P.C. or to file an application for grant of police aid, are open to the petitioner. It is only when the trial Court passes an order granting police aid and it is not implemented that the petitioner can file a writ petition. Admittedly, the petitioner had not filed any such application before the trial Court.

Hence, the writ petition is disposed of leaving it open to the petitioner to file an application before the trial Court for granting police aid. There shall be no order

as to costs.

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30.12.2004

Note:

Issue CC in three days.

(BO)

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**To**

1 The Station House Officer, Kalapattar P.S., Kalapattar, Hyderabad.

2 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

3 Two C.D. Copies.